

ORDINANCE NO. 017-21

**AN ORDINANCE ESTABLISHING A FUND TO BE NAMED
AMERICAN RESCUE ALLOCATION FUND AS REQUIRED
PURSUANT TO THE AMERICAN RESCUE PLAN ACT OF 2021;
AND DECLARING AN EMERGENCY**

WHEREAS, the American Rescue Plan Act of 2021 was signed into law by the President of the United States on March 11, 2021; and,

WHEREAS, the Federal Funding Accountability and Transparency Act (FFATA) requires separate accountability for direct recipients as well as subrecipients of federal awards greater than twenty-five thousand dollars (\$25,000); and,

WHEREAS, Ohio Revised Code Section 5705.09 requires subdivisions to establish separate funds for each class of revenue derived from a source other than the general property tax which the law requires to be utilized for a particular purpose; and,

WHEREAS, the City of Napoleon, Ohio is requesting its share of funds from the American Rescue Allocation Fund; and,

WHEREAS, the American Rescue Plan Act of 2021 requires municipalities to establish a new fund to be named American Rescue Allocation Fund before receiving said funds; **Now Therefore**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the City of Napoleon, Ohio, (hereinafter referred to as "the City") hereby establishes a new fund titled American Rescue Allocation Fund pursuant to the regulations set forth in the American Rescue Plan Act of 2021.

Section 2. That, the City affirms that all funds received from the American Rescue Allocation Fund pursuant to the American Rescue Plan Act of 2021, be expended only to cover costs of the subdivision consistent with the requirements of the American Rescue Plan Act 2021 and any applicable regulations and guidance only to cover expenses that:

1. include replacement of lost revenue (limited to revenue loss due to pandemic relative to fiscal year prior to the emergency), respond to the public health emergency or its negative economic impacts including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel and hospitality, premium pay for essential workers (i.e., an additional amount up to thirteen dollars (\$13) per hour that is paid to an eligible worker as defined by the local CEO for work during the COVID-19 pandemic, capped at twenty-five thousand (\$25,000) per worker), and make investments in water, sewer, or broadband infrastructure); or,

2. transfer funds to a private nonprofit organization, a public benefit corporation involved in the transportation of passengers or cargo or a special-purpose unit of State or local government; and,

3. were incurred during the period that ends on December 31, 2024; and,

4. will be described in the forthcoming detailed guidance from the U.S. Treasury.

Further, the City affirms that all funds received from the American Rescue Plan Act of 2021 will be receipted into and dispersed from the newly created American Rescue Allocation Fund.

Section 3. That, the Finance Director is hereby authorized and directed to execute any and all documents necessary to create the American Rescue Allocation Fund.

Section 4. That, in compliance with the American Rescue Plan Act of 2021, the Finance Director of the City of Napoleon shall take all necessary action to:

1. Place the Local Fiscal Recovery Award into a special revenue fund called the American Rescue Allocation Fund; and,
2. Pay appropriate expenses directly from the American Rescue Allocation Fund; and,
3. Provide any information related to any payments received under the American Rescue Plan Act of 2021, to the Office of the Ohio Auditor of State as requested.

Section 5. That, all amounts collected as a result of this Ordinance shall be placed into the newly created American Rescue Allocation Fund as established by the Finance Director to be used for the expenditures incurred as listed in Section 2 of this Ordinance, and further defined by the U.S. Treasury, once detailed guidance is released.

Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

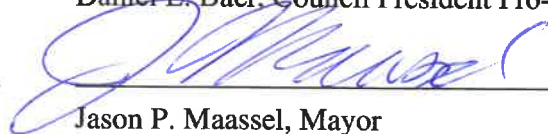
Section 7. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 8. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the process in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: June 21, 2021


Daniel L. Baer, Council President Pro-Tem

Approved: June 21, 2021


Jason P. Maassel, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:

Roxanne Dietrich

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 017-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 26th day of June, 2021; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich

Roxanne Dietrich, Clerk of Council

STATE OF OHIO
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 26 day of June, 2021.

Sally Heaston
Sally Heaston

Subscribed and sworn to before me this

8 day of July, 2021

Kristi Clark
Kristi Clark
Notary Public,
State of Ohio
My Commission
Expires October 25, 2025



Printer's Fee: \$112⁵⁰
Notary Fee: \$ 3⁰⁰

Summary of Ordinance No.(s) 017-21

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance No. 017-21

AN ORDINANCE ESTABLISHING A FUND TO BE NAMED AMERICAN RESCUE ALLOCATION FUND AS REQUIRED PURSUANT TO THE AMERICAN RESCUE PLAN ACT OF 2021; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon established the American Rescue Allocation Fund, pursuant to the American Rescue Plan Act of 2021.

The above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director